

1 RENE L. VALLADARES
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 MONIQUE KIRTLEY
5 Assistant Federal Public Defender
6 411 E. Bonneville, Ste. 250
7 Las Vegas, Nevada 89101
8 (702) 388-6577/Phone
9 (702) 388-6261/Fax
10 Monique_Kirtley@fd.org

11 Attorney for Virab Torosyan

12
13 **UNITED STATES DISTRICT COURT**
14
15 **DISTRICT OF NEVADA**

16 UNITED STATES OF AMERICA,

17 Case No. 2:16-cr-063-APG-PAL

18 Plaintiff,

19 v.
20 **STIPULATION TO CONTINUE**
21 **OBJECTIONS TO REPORT AND**
22 **RECOMMENDATION [ECF NO. 82]**

23 VIRAB TOROSYAN,

24 (First Request)

25 Defendant.

26
27 IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre,
28 Acting United States Attorney, and Kilby Macfadden, Assistant United States Attorney,
29 counsel for the United Stated of America, and Rene L. Valladares, Federal Public Defender,
30 and Monique Kirtley, Assistant Federal Public Defender, counsel for Virab Torosyan, that the
31 Objections to Magistrate's Report and Recommendation (ECF No. 82) be extended fourteen
32 (14) days, from the presently set date of August 11, 2017.

33 The Stipulation is entered into for the following reasons:

34 1. On June 20, 2017, the Magistrate Court held a Motion Hearing regarding
35 defendant's Motion to Suppress (ECF No. 76). The Magistrate Court filed it Report and
36 Recommendation on July 28, 2017. (ECF. No. 82).

1 2. Defense counsel is currently awaiting to receive the written transcript from the
2 Motion to Suppress hearing.

3 3. The defendant is incarcerated and does not object to the continuance.

4 4. The parties agree to the continuance.

5 5. The additional time requested herein is not sought for purposes of delay, but
6 merely to allow counsel for the defendant sufficient time receive and review the expedited
7 transcripts of the Motion Hearing.

8 6. Additionally, denial of this request for continuance could result in a miscarriage
9 of justice. The additional time requested by this stipulation is excludable in computing the time
10 within which the trial herein must commence pursuant to the Speedy Trial Act, § 3161(h)(7)(A),
11 considering the factors under Title 18, United States Code §§ 3161(h)(7)(B).

12 This is the First stipulation to continue filed herein.

13 DATED this 8th day of August, 2017.

14 RENE L. VALLADARES
15 Federal Public Defender

STEVEN W. MYHRE
Acting United States Attorney

16 /s/ *Monique Kirtley*
17 By _____
18 MONIQUE KIRTLEY
Assistant Federal Public Defender

16 /s/ *Kilby Macfadden*
17 By _____
18 KILBY MACFADDEN
Assistant United States Attorney

1
2
3
4
5
6
7
8

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VIRAB TOROSYAN,

Defendant.

Case No. 2:16-cr-063-APG-PAL

ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On June 20, 2017, the Magistrate Court held a Motion Hearing regarding defendant's Motion to Suppress (ECF No. 76). The Magistrate Court filed its Report and Recommendation on July 28, 2017. (ECF No. 82).

2. Defense counsel is currently awaiting to receive the written transcript from the Motion Hearing.

3. The defendant is incarcerated and does not object to the continuance.

4. The parties agree to the continuance.

5. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time to receive and review the expedited transcripts of the Motion Hearing.

6. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, § 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

IT IS FURTHER ORDERED that the objections to the Magistrate Judge's Report and Recommendation currently scheduled for August 11, 2017, be vacated and continued to August 25, 2017

DATED this 9th day of August, 2017.

UNITED STATES DISTRICT JUDGE